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SIPDIS

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SUBJECT: 2006 TRAFFICKING IN PERSONS REPORT: TAIWAN

REF: STATE 3836

1. (U) Following is AIT/T's 2005-06 Trafficking-in-Persons (TIP) report. The report is presented according to reftel sections, beginning with 21 A.

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Overview  
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21 A. (SBU) Is the country a country of origin, transit or destination for international trafficked men, women or children? Specify numbers for each group; how were they trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the sources (s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Country of Origin: Taiwan is a source country for a limited number of women trafficked to Japan. Official estimates are not available on the number of women being trafficked from Taiwan because the women are transported legally on commercial flights to Japan. Citizens of Taiwan currently do not need visas to visit Japan. The majority of the women trafficked come from rural areas, have limited incomes, and few employment opportunities. According to Interpol Taipei, the women are lured to Japan with promises of job opportunities, which include free transportation, that are posted in advertisements mostly in southern Taiwan. The advertising is done under the guise of employment agencies with contacts in Japan. In reality the advertisements with promises of legal

jobs are scams. Once the women from Taiwan arrive in Japan, they are forced into prostitution or other forms of labor and threatened with bodily harm to prevent them from going to authorities. According to Interpol Taipei officials, the problem is large enough to warrant an officer in Taiwan's representative office in Tokyo working in cooperation with Japanese authorities to identify trafficking victims and return them to Taiwan.

Country of Transit: Taiwan is not a transit point for a significant number of internationally trafficked persons. Taiwan is a transit point for a small number of illegal Mainland Chinese seeking to enter the United States. Taiwan criminal gangs are involved in smuggling these immigrants through the use of fraudulent Taiwan travel documents and aboard Taiwan-operated ships. Although these illegal aliens are voluntary migrants, some of them may end up victims of trafficking as they become caught up in debt bondage, forced prostitution, or other schemes upon reaching their destination.

Country of Destination: There are continuing reports of women from Mainland China and Southeast Asia being trafficked to Taiwan for purposes of prostitution and forced labor. There are also reports that fraudulent marriages to Taiwanese men, primarily with women from Vietnam, are being used for trafficking. In addition, the problem of Labor trafficking was highlighted after several foreign worker protests and riots occurred in 2005 over poor working conditions and worker rights.

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Taiwan's lucrative sex trade, cultural, and geographic proximity with the PRC and Southeast Asia, and large-scale movement of foreign workers provide opportunities for traffickers to exploit victims. The majority of trafficking victims are forced into the sex industry, primarily prostitution. There are also known cases of forced manual labor, domestic servitude, and work in restaurants. In most cases, the victims' passports are seized, and they may be subject to threats of violence in order to keep them from going to the authorities or attempting to escape from their captors. The Ministry of Interior (MOI) reported that there were 2220 trafficking-related arrests in 2005 (1074 from the PRC and 1146 from Southeast Asia). According to MOI, Taiwan authorities in 2005 deported 1440 PRC citizens and 1144 citizens from Southeast Asia. Due to the large number of foreign workers and foreign brides in Taiwan, reliable estimates of the number of persons being trafficked in these categories is unavailable and difficult to estimate.

There are also reports of a small number of girls who are forced into prostitution. According to women's rights groups involved in rehabilitating girls and women caught in Taiwan's sex industry, the number of trafficking victims that are underage (under 18) is low. According to MOI officials, of the 1013 PRC women at the Hsinchu and Ilan Detention Centers as of February 2006, 19 are underage. These numbers can be attributed to the fact that the trafficking situation has changed since the late 1980s when religious groups, women's rights groups and other non-governmental organizations (NGOs) embarked on a campaign to end forced child prostitution in Taiwan. Working with government officials, the NGOs achieved the passage of the 1995 Statue for prevention of Child and Juvenile Sexual Trafficking. That law not only specified heavy

penalties

for forcing minors into commercial sexual transactions, but also provided for the prevention, rescue, rehabilitation and protection of victims. It stipulated that the government create an interagency task force to monitor the law's implementation. The 1995 statute specifically protected minors by capturing the attention of society in general and the authorities in particular. The social movement fostered by the effort to end child prostitution also worked to reduce forced prostitution of Taiwan and foreign adult women as well.

Sources of Information: Ministry of Justice, Ministry of Interior, Immigration Bureau, Interpol Taipei, National Police Administration, academics, human rights groups, and women's rights and foreign labor/bride NGOs are the primary sources for information about trafficking in persons.

These sources, all of which are generally reliable and all of which often cooperate with each other in regards to anti-trafficking efforts, agree that specific numbers of trafficked persons are extremely difficult to come by. There is a clear consensus that the incidence of trafficking for prostitution of minors has declined dramatically since the passage of the 1995 Statue for the Prevention of Child and Juvenile Sexual Trafficking.

21 B. (SBU) Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons.

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Other items to address may include: what kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

Most female trafficking victims in Taiwan are from Mainland China and Southeast Asia. Many men from Southeast Asian countries are also victims of labor trafficking. Taiwan is the final destination for the vast majority of the victims trafficked to Taiwan.

Trafficking from the PRC: According to Taiwan Coast Guard authorities in 2005, over 90 percent of illegal immigrants they intercepted from the PRC were women. Of these female illegal immigrants, many are victims of trafficking and have been forced into prostitution. Coast Guard officials told AIT that previously the majority of illegal immigrants from the PRC were men who had been recruited for low wage labor. However, foreign workers from Indonesia, the Philippines, and Vietnam are now filling these jobs. Thus, trafficking syndicates are focusing on women from the PRC in rural areas who lack employment opportunities in order to supply Taiwan's lucrative prostitution industry. Most of the women from China are lured from poor households in Sichuan and Fujian province by trafficking syndicates with promises of stable jobs in Taiwan. The syndicates are based in Fujian and the Coast Guard estimates 60 percent of smugglers use

one major route from Fujian's porous coastline to Taiwan. The girls are transported from the Fujian coast to PRC fishing boats and then transferred to Taiwan fishing boats at night. The women are delivered to trafficking syndicates where the girls are auctioned off based on their physical characteristics. Coast Guard officials told AIT that the more attractive women are used for prostitution while the others are used for manual labor. The majority of girls do not know they are coming to Taiwan for prostitution. NGOs told AIT that the women who agree to travel to Taiwan have to repay about US \$6,500 in travel fees and the local traffickers sell each girl for around US \$5,000.

Taiwan in 2005 made progress in addressing the care and protection of trafficked PRC women once they are taken into custody by authorities. Understanding and awareness of the problem of trafficking among government and police officials is increasing. The MOI constructed a new facility solely for PRC TIP victims at the Ilan Detention Center, which includes a common area with recreation equipment,

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organized activities, television sets, and is operated more like a shelter than a detention facility. At both the Hsinchu and Ilan Detention Centers, immigration authorities adopted a standard screening and protection system. TIP victims are identified based on initial police interviews, the circumstances of the women's arrival in Taiwan, and other evidence obtained by investigators. Once women arrive at the detention centers, a second interview is conducted with the assistance of social workers to ensure victims are properly identified. Victims have regular access to NGOs and social workers, and recreational activities are provided and encouraged. Both NGOs and religious social workers visit the victims at least twice a week and are available more often if needed. Taiwan authorities encourage trafficked women to cooperate with officials to prosecute traffickers. Authorities have developed a better understanding of the dangers trafficked women face and the need for proper protection if the women cooperate in prosecuting trafficking syndicates. In 2005, Taiwan passed a witness protection law that protects women from retaliation and helps encourage their cooperation in investigating trafficking rings.

Taiwan authorities in 2005 also collaborated with NGOs to enhance training and TIP awareness among Taiwan law enforcement officials via two trafficking conferences co-sponsored by AIT and G/TIP. In June 2005, the Taipei Women's

Rescue Foundation (TWRF) in partnership with the International Organization for Adolescents (IOFA) and AIT sponsored a TIP conference that included training sessions for Taiwan police and border officials aimed at fostering TIP awareness, identifying TIP victims, and providing victims adequate care and shelter. In November 2005, a conference entitled "Strategies for Combating Human Trafficking from Southeast Asia to Taiwan," coordinated by AIT, Vital Voices, and the Garden of Hope Foundation focused on the problem of TIP from labor trafficking and fraudulent marriages and included training sessions for police officials.

Fraudulent Marriages: NGOs and media outlets report that fraudulent marriages are commonly used as a vehicle for human trafficking, in part because the penalties for bogus husbands are lenient. Under current laws, maximum penalties for "sham" marriages (those who serve as false husbands) is only a few days in jail and fines under \$100. Penalties for traffickers are much higher, but traffickers are rarely apprehended by authorities. Foreign brides are lured to Taiwan by traffickers disguised as marriage brokers, only to be

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forced into prostitution or exploitive labor. Many incidents of physical and mental abuse have been reported in the media and by NGOs. According to MOI statistics, in 2005 nearly a quarter of new marriages in Taiwan involved a foreign bride and around 70 percent of the foreign non-Chinese brides are from Vietnam. Taiwan MOFA officials estimate that since 1995 approximately 100,000 Vietnamese women have been issued Taiwan marriage visas. According to NGOs and police officials, organized recruiting rings in Cambodia and Vietnam work with "husband" recruiters in Taiwan to traffic the women to Taiwan and then lease them to local brothels.

Fraudulent marriages have become the method of choice for trafficking women since it is safer than smuggling women by boat and there is little cost for the husbands if they are caught. MOFA and NGO officials say that the typical groom pays US \$6,000 to \$10,000 for a package which includes at least one trip to Vietnam, the opportunity to pick a bride from a lineup of young women, and any marriage ceremonies and paperwork needed to complete the migration process. MOFA officials admit there is no effective system for tracking immigrants once they enter Taiwan. Vietnamese brides receive a 6-month resident permit upon entry to Taiwan. They are subsequently required to register with the police for their Alien Resident Certificates, which are valid for one year. After three years, a bride can apply for Taiwanese citizenship, but

if the bride does not live with her husband, the marriage is considered fraudulent and her stay in Taiwan is deemed illegal. MOFA officials explained that police do not have the resources to verify if the brides live with their husbands and cited a survey conducted by police in Taipei County in 2005 which showed that 47 percent of Vietnamese brides in the county were not living with their husbands. Taiwanese authorities have no statistics on the status of these women, and MOFA explained that domestic abuse, age differences, language barriers, and cultural differences as contributing to this situation.

The influx of foreign brides has sparked some anxiety in Taiwan about their impact on Taiwan society and culture. There is a degree of prejudice against foreign brides because they are perceived as uneducated and poor, marrying for money, or entering Taiwan for prostitution or illegal work. The main social problem associated with foreign brides, according to press reports and discussions with government officials, is their low education level and language ability. Southeast

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Asian brides in particular are viewed as uneducated because they cannot speak Mandarin fluently, which many Taiwanese fear will hinder the children of foreign brides and their development in Taiwanese society.

Only recently has the issue of foreign brides and the accompanying social implications caught the attention of political leaders and law enforcement officials in Taiwan. As legislators, NGOs, and media outlets increasingly speak out on the issue of "foreign brides," Taiwan authorities are beginning to take measures to address the plight of Southeast Asian women lured to Taiwan for false marriages and then forced into prostitution. Although the government still does not perform a criminal or domestic abuse check on the prospective Taiwanese grooms prior to the marriage, one mechanism Taiwan instituted in 2005, citing the growing number of marriages for purposes of trafficking, is to interview foreign spouses face-to-face in their home countries before departure to Taiwan or upon their arrival in Taiwan to ensure the marriages are legitimate. Marriage registration must be completed in both countries and all documentation is scrutinized. Suspicious cases are either rejected outright or are given only a 30-60 day visa, and Taiwan authorities follow up after the women arrive in Taiwan. Visas for marriages determined to be fraudulent are canceled. Prior to 2005, relatively few of the cases

were refused. According to MOFA statistics, approximately 12,000 brides from Southeast Asia were interviewed in 2004 and 11,000 of those cases were approved. By contrast, MOFA officials said that in 2005 around 30 to 35 percent of cases had been rejected outright since initiation of one-on-one interviews. Also beginning in 2005, Taiwan requires couples receiving visas to attend a mandatory two-hour information session where women are informed about their rights under Taiwanese law. According to MOFA, Taiwan also established a domestic violence hotline staffed by workers who speak Vietnamese, Cambodian, Thai, and English. These workers have the authority to help victims find shelters and to provide legal and financial assistance to abused foreign brides. The government also allocated US \$100 million over 10 years to help foreign brides adjust to life in Taiwan by offering resources such as language, culture, and support programs.

NGOs welcome these changes, but note that relatively few brides are aware there are resources available to help them and point out that the quality

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of care and protection offered by authorities for victims is inconsistent and varies because most cases are handled by local police and court officials.

Labor Trafficking: Riots and protests by foreign workers in 2005 over poor working conditions and abuses by employer brokers have highlighted the problem of labor trafficking and illustrated the need for changes in Taiwan's treatment of foreign workers. According to MOI, there are approximately 314,000 foreign workers in Taiwan. They are composed of 90,000 each from Vietnam, Thailand, and the Philippines, and 20,000 from Indonesia. Many foreign workers are hired as domestic caretakers and then sent to factories after they arrive in Taiwan. Employers use this method to circumvent quotas on hiring foreign workers since domestic caretakers are exempted from quota restrictions. The foreign workers are required to work in factories but then paid the same wages as a domestic caretaker; a fraction of the prevailing wage rate for a factory worker. Moreover, Taiwan has no rules that protect foreign workers from being repatriated. Under current laws, an employer can repatriate foreign workers at any time. Without this protection, foreign workers who raise concerns or seek help can be arbitrarily deported. This was one of the factors that led to Thai worker riots and protests in 2005. In July, sixteen Filipino construction workers tried to stage a strike at the Formosa Plastics

Corporation oil refinery about salary deductions. They were allegedly beaten by refinery guards and immediately deported without recourse.

High broker fees turn workers into indentured servants when they arrive in Taiwan. For example, a domestic caretaker over three years will pay brokers around US \$4,000 to \$8,000 for a job in Taiwan. Most workers expect to save nothing in the first 1-2 years to pay off the debt to the brokers. As a result, many workers run away from their brokers to seek other jobs. According to the Council of Labor Affairs (CLA), the number of Vietnamese who illegally "escaped" from their work place (i.e. came to Taiwan to work and then disappeared from their place of employment) increased from 1,584 in 2002 to 7,536 in 2004 to 12,079 as of December 2005. The overall "escape" rate increased from 10 percent in 2004 to 14 percent in 2005. Due to the high escape rates over the past three years, the CLA has suspended the import of new Vietnamese workers. According to Taiwan officials, the escape rate can partially be explained because higher wages are offered by illegal

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employers (US \$800 per month versus \$500). NGOs say another factor is the harsh conditions and abuses many workers must endure. There are no figures available on the number of those "escapees" who were victims of trafficking. Penalties for employers involved in labor trafficking are light and usually involve a small fine. Labor authorities will rescind an employer's right to hire domestic caretakers only after the third offense. Domestic caretakers, who account for about half of foreign workers in Taiwan, are not covered by Taiwan's labor standards law. Without any laws to protect domestic caretakers, time off, minimum wage, and working conditions are decided by the employer. In April 2005, a broker in southern Taiwan was discovered to have raped up to thirty Vietnamese foreign workers whom he had brought to Taiwan.

The CLA is doing more to combat labor trafficking in Taiwan. In 2004, the CLA established a legal aid office that provides free legal services to foreign workers. The government in 2005 also established 24 offices around the island to provide counseling and other services to foreign workers. CLA also publishes pamphlets in various languages that explain worker rights and provide information on resources available. Weekly radio programs are broadcast in various languages directed toward foreign workers. The government also established a hotline for workers to report abuse. Taiwan authorities are working with NGOs to provide shelter and care to victims of labor trafficking. Victims have the option of remaining in Taiwan if they want to keep working for different employers or they can return home. However, according to NGOs and from cases observed by AIT, many workers are unaware of the hotline, the pamphlets, or the availability of shelters. To address the deportation problem, the CLA said that plans are underway to build a separate waiting area for foreign workers at the airport. Brokers will not be allowed in the area and the workers will be given pamphlets in their language detailing their rights. On departure the foreign workers will be allowed to report any illegal activity and be given the option to stay in a government shelter if they believe they are being deported without cause.

Political Will: There is increasing political will and effort by Taiwan authorities to combat trafficking in persons and human smuggling. Taiwan authorities have continued to address trafficking



in persons as they have become more aware and better equipped to handle the problem. Minister of Justice Shih Mao-lin specifically

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mentioned the problem of trafficking during his February 1, 2005 arrival speech at MOJ, stating that trafficking in persons is a crime and that it not only gives Taiwan a bad image abroad, but is itself a basic human rights issue. As previously noted in 21 B, Taiwan authorities have made considerable improvements in the way they identify, process, and care for TIP victims. Authorities are also becoming more attuned to the issue of labor trafficking and TIP via fraudulent marriages.

In 2003, senior officials in both the EY and MOI became personally involved in the effort to prevent trafficking when they pushed for the implementation of a new immigration process for Mainland Chinese spouses, some of whom were known to have been involved in false or contrived marriages that resulted in the "wife" becoming the victim of trafficking. As part of the process, AIT's Consular Section was asked by the Bureau of Immigration to provide training to its officers in interview techniques, the detection of false marriages, and other anti-smuggling and anti-trafficking measures that can be applied during the immigration process. The result was the Bureau of Immigration's establishment of a new interview mechanism for Mainland spouses in September 2003. The Bureau of Immigration interviewed 42,164 Mainland spouses in 2005. Of these marriages, 1,372 were found to be fraudulent.

Taiwan has also stepped up efforts to target syndicates smuggling women from the PRC to Taiwan. From November 2003 to May 2004, Taiwan's Coast Guard set up a temporary trafficking syndicate task force in cooperation with the PRC Coast Guard. Taiwan Coast Guard authorities apprehended over 2000 women from Mainland China trying to enter Taiwan illegally. In 1998, less than 100 women were apprehended which the Coast Guard said reflects the new situation of primarily women being smuggled and Taiwan's new focus on combating the trafficking problem. Coast Guard officials in January 2006 told AIT that such cooperation is often dependent on the status of "political" relations between the PRC and Taiwan and explained that there have not been additional task forces since 2004, although repatriations continue. A more stringent law also was enacted in January 2004 aimed at cross-Strait smugglers. The statute stipulates that any person found guilty of smuggling Mainland Chinese into Taiwan shall be punished with a prison term of 3-10 years and fined up to US \$150,000. Boat owners and crewmembers associated with smuggling will be punished with a prison term up to 3 years and/or a US \$30,000-\$200,000 fine and the boat will be confiscated.

On the legislative front, Legislator Bi-khim Hsiao has taken the lead in sponsoring TIP-related legislation and is pushing

for a comprehensive TIP law. In December 2005, the Legislative

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Yuan (LY) Home and Nations Committee held a hearing on human trafficking and reached a bipartisan consensus to add a special anti-trafficking provision in new immigration laws under consideration. The same committee in February 2006 discussed the need for adopting formal standards for the protection of trafficking victims and pledged to work on formal legislation that would address the needs of victims. In November 2005, the LY passed a law to streamline immigration policies and procedures under a revamped Bureau of Immigration, which will begin operating in 2006. The new Bureau of Immigration will incorporate background investigations and interviews from migrants, repatriation, detection, residency permits, refugee identification and asylum under one organization.

21 C. (SBU) What are the limitations on the government,s ability to address the problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Taiwan's greatest handicap in fighting trafficking from the PRC is the state of relations with the PRC. According to Taiwan authorities, the complicated political relationship and lack of normal communication channels between the two sides, as well as an evident lack of willingness by the PRC to assist, is their greatest roadblock and makes it very difficult for them to deal as effectively with the problem as they would like.

Regarding labor trafficking and fraudulent marriages, Taiwan faces few budget or personnel shortages that hinder the government,s ability to fight TIP or to provide adequate care and protection for victims. Corruption may occur in isolated cases, but is not a widespread problem. The primary handicap has been Taiwan,s slow response to the problem and lack of understanding of TIP -- although this is changing as the government increased efforts in 2005 to address TIP.

22 D. (SBU) To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The government does not yet systematically monitor its anti-trafficking efforts on all fronts. However, the government does systematically monitor underage trafficking. The 1995 Statute for the Prevention of Child and Juvenile Sexual trafficking created an interagency taskforce composed of the ministries of Interior, Justice, Defense, Economic Affairs, Transportation, Education, the Department of Health, the Mainland Affairs Council, and the

Council of Labor Affairs. Together with key NGOs, this task force monitors implementation of the 1995 statute and

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provides guidance to member agencies through semi-annual written reports.

The Public Prosecutors Office of the Taiwan High Court has assigned prosecutors trained to handle trafficking cases and has set up a supervisory group which regularly convenes officials from district courts and police agencies to discuss improving law enforcement on child and juvenile sex trade.

Taiwan government authorities have not yet sanctioned an official survey or overview of the trafficking situation in Taiwan. In 2005, the NGO Taipei Women's Rescue Foundation (TWRP) published a report on trafficked women in Taiwan. Another local NGO, End Child Prostitution, Pornography and Trafficking (ECPAT) Taiwan, drafted a short report on trafficking which AIT reviewed in 2005 and used in last year's report.

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Prevention  
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22 A. (SBU) Does the government acknowledge that trafficking is a problem in that country? If no, why not?

At the National level, Taiwan generally takes all forms of alien smuggling and trafficking seriously and has publicly expressed concern about these problems. Taiwan authorities had been less aware of the problem of foreign brides and labor trafficking in the past, but have begun doing more to combat the problem. At the local level in more rural areas of southern Taiwan, NGOs report that the government's understanding of TIP and assistance offered to trafficking victims is inconsistent, varying from city to city. Taiwan authorities are conscious of the fact that Taiwan is a small island alongside the world's most populous country with a well-documented record of large-scale emigration, often illegal. With the expansion of two-way contact between Taiwan and the PRC, Taiwan authorities have become very attuned to, and concerned about, the increasing number of mainland "immigrants," both legal and illegal, into Taiwan. They are also keenly aware that Taiwan makes an attractive transit point for the smuggling of PRC nationals to other countries and that Taiwan documents are the papers of choice for "snakeheads" moving their human cargo around the world. The establishment of Taiwan's new immigrant screening procedure is an example of their seriousness in trying to deal with these challenges. In addition, the EY's Human Rights Group in January 2005 published a report describing measures Taiwan government agencies are taking to prevent trafficking in persons in its response to the 2004 Human Rights report published by the Department of State. The EY's report highlighted new statutes that target trafficking activities, detailed law enforcement efforts to detain smugglers, and listed new immigration initiatives to curb fraudulent marriages from abroad.

22 B. (SBU) Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Ministry of Justice, Ministry of the Interior (including all bodies under the control of the National Police Administration), Executive Yuan, Coast Guard, Ministry of Education, Council of Labor Affairs, Ministry of Defense, Ministry of Education, and Ministry of Transportation.

22 C. (SBU) Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign (s) including their objectives and effectiveness. Do these campaigns target potential

trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor).

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The Taiwan government has not sponsored an international trafficking education campaign focused on trafficking from the PRC or elsewhere abroad. There has been extensive local media coverage of PRC migration and the problems it poses. Tensions in Taiwan-PRC relations have precluded a Taiwan-organized media campaign in China. The government has organized a campaign focused on local Taiwanese women aimed at curbing prostitution in Taiwan. Concerned with the rising incidence of Taiwan girls who voluntarily become prostitutes, the ministries of Interior and Education are working with NGOs to prevent school dropouts from becoming involved in the sex industry. The NGOs have set up counseling services and youth organizations in an effort to get the dropouts to return to school. By law, when a student is absent for more than three days without parental notification, the school must notify the authorities, which then send a social worker to investigate the case.

The 1995 statute provided for preventive educational programs at schools that cultivate appropriate sexual psychology, promote gender equality, teach respect for others, correct improper sexual conceptions, develop self-defense skills, and reinforce the message that sexual activities should not be commercial transactions. The Ministry of Education has developed guidelines for implementing preventive education courses and these courses have been added to the curriculum at all school levels.

22 D. (SBU) Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

The government supports various official and NGO anti-trafficking prevention programs. In 2003 the Health Department created the Birth Announcement System. The MOI's Children's Bureau has formulated procedures for the protection, settlement, and adoption of abandoned babies. The Government Information Office publishes pamphlets and produced a public service television commercial to appeal for the protection of children and teenagers. The government financially supports a program sponsored by End Child Prostitution, Pornography and Trafficking (ECPAT) in which counselors visit teenage girls in shelters once a week to ensure they do not become trafficking victims. In addition, the MOI initiated a new campaign in 2004 to educate the public about the penalties of violating the Statute for Prevention of Child and Juvenile Sex Trading. The campaign includes posting advertisements on public buses, sponsoring awareness programs on the radio, and holding public forums.

22 E. (SBU) Is the government able to support prevention programs?

Yes, the government provides financial support for NGOs involved in women's rights issues and works with NGOs to raise public awareness of sexual trafficking. From 1999 through 2001, the government provided NT \$100 million (US \$3 million) to the umbrella organization Foundation of Women's Rights Promotion and Development (WRP), which in turn supports local NGOs (see question 22 F). At the end of 2004, the LY approved a budget of NT \$3 billion (US \$100 million) to help WRP fund programs to help mainland and foreign spouses adjust to living in Taiwan and prevent them from becoming trafficking victims. In November 2003, President Chen Shui-bian, along with the Ministry of Education Children's Bureau Director, shot a public television advertisement on "Internet Content Safety" to raise public awareness on the dangers of Internet pornography and on the use of the Internet to lure children into the sex trade.

22 F. (SBU) What is the relationship between government officials, NGOs, other relevant organizations and other

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elements of civil society on the trafficking issue?

Government cooperation with NGOs on TIP issues is increasing. In addition to the inter-agency taskforce stipulated by the 1995 statute, the Foundation of Women's Rights Promotion and Development (WRP) also serves as a platform to discuss all women-related issues. The WRP is an NGO funded by the Executive Yuan (EY) and is chaired by the Premier and includes the ministers of Interior, Education, Justice, Personnel Administration, Government Information Office, Health, and Labor as well as academics and representatives of NGOs. NGOs praise these two inter-agency taskforces for addressing women's and children's issues. As noted in 21 B, the government collaborated with NGOs in 2005 to participate in TIP conferences and is increasingly working with NGOs to refer victims to shelters and provide protection to victims.

22 G. (SBU) Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

The Taiwan authorities are very serious about controlling their Borders and have taken measures in 2005 to address immigration patterns that support trafficking (see 21 B). However, because of Taiwan's extensive coastline it is difficult to cover all borders comprehensively. The MOI, working through the National Police Administration's Criminal Investigation Bureau (CIB), the Aviation Police, the Bureau of Immigration, and the Entry and Exit Bureau, has the lead on immigration control. The Entry and Exit Bureau is well-funded, efficient, and maintains an excellent database that is updated within twenty-four hours of a person's arrival at any regulated port of entry on Taiwan. The CIB and Criminal Investigation Division of the Aviation Police receive specialized training in combating alien smuggling.

The Taiwan authorities are also working to revamp their current immigration policy. In October 2003, the EY submitted two draft bills, "Plan for the Organization of the National Immigration Agency" and "Regulations Governing the Organization of the National Immigration Agency," to the LY. The LY passed the two bills in November 2005 and the revamped Bureau of Immigration will begin operating in 2006. The MOI also submitted a draft of an amended "Immigration Law" to the EY, which approved it and forwarded it to the LY in December 2003. The bill, which is aimed at increasing the penalty for trafficking, however, is still pending in the LY with no clear timeframe of when it might be approved.

22 H. (SBU) Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

Taiwan has an official mechanism to exchange information at

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the national level regarding trafficking in persons. Taiwan also has a multi-agency task-force aimed at preventing the trafficking of under-age girls. The 1995 Statue for the Prevention of Child and Juvenile Sexual Trafficking created an interagency taskforce composed of the ministries of Interior, Justice, Defense, Economic Affairs, Transportation, Education, the Department of Health, the Mainland Affairs Council, and the Council of Labor Affairs. Together with key NGOs, this task force monitors implementation of the 1995 statute and provides guidance to member agencies through semi-annual written reports. In addition to the inter-agency taskforce stipulated by the 1995 statute, the Foundation of Women's Rights Promotion and Development (WRP) also serves as a platform to discuss all women-related issues. The WRP is an NGO funded by the Executive Yuan (EY) and is chaired by the Premier and includes the ministers of Interior, Education, Justice, Personnel Administration, Government Information Office, Health, and Labor as well as academics and representatives of NGOs.

22 I. (SBU) Does the government coordinate with or participate in multinational or international working groups or efforts to prevent, monitor, or control trafficking?

Due to Taiwan's isolated international status, Taiwan law enforcement agencies are unable to participate in most international organizations or multinational working groups. However, the Taiwan authorities cooperate extensively with the U.S. (with AIT, for example, on police training for immigrant screening of PRC Spouses, and with the Department of Homeland Security, DHS), and other destination countries such as Canada and Australia on alien smuggling. In addition to planeside double-checks of passengers boarding flights to the U.S., the Aviation Police regularly contact AIT and other representative offices when they intercept suspicious travelers and documents at ports of entry and exit. As a result, intercepts of PRC and other illegal immigrants in the U.S., Canada, Australia, and other countries with direct flights from Taiwan has fallen dramatically in the past three years. As part of the proposed new Immigration Law, in May 2003 the MOI invited foreign, domestic law enforcement, and airline representatives from 14 countries to participate in an inaugural Seminar on the Prevention of Illegal Immigration, at which the Taiwan authorities emphasized their commitment to greater international cooperation in combating all forms of transnational human smuggling, including trafficking in persons.

22 J. (SBU) Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

Taiwan does not have a national plan of action to deal with trafficking in persons beyond under-age victims. Individual

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departments and bureaus work to address the problem of trafficking and try to coordinate their actions. Because Taiwan views itself predominantly as a transit and destination point for internationally trafficked persons, most of its anti-trafficking efforts are aimed at stemming smuggling and illegal immigration. According to the MOI, Taiwan has formulated a comprehensive policy, legislation, and implementation plan in response to the "complicated entry, exit and immigration issues resulting from the human inflow and incoming immigrants." On the policy front, the MOI invited experts and scholars to study and discuss the "Guidance for the Nation's Current Immigration Policy." Designed in accordance with the principles of proactively guiding and assisting new immigrants and safeguarding illegal immigrant's human rights, the MOI submitted the "Guidance" to the EY for approval in November 2003. The "Guidance" has been implemented and the MOI is also drafting an Immigration Policy White Paper to serve as the basis for the government's immigration policy that was passed in November 2005. The government has approved an National Immigration Agency to control cross-Strait migration, to prevent international terrorism, to promote administrative efficiency, to maintain national security, and to prevent human smuggling. The "Plan for the Organization of the National Immigration Agency of the Ministry of the Interior" is scheduled to go into effect in 2006.

On the legislative front, the EY submitted the MOI's draft amended Immigration Law to the LY in December 2003. The draft law contains provisions dealing with human smuggling: applications for residency by adoption would require that the adoptee and adopter live together in Taiwan; interviews would be required for applications for visits or residency by marriage; agents of the National Immigration Agency would be permitted to detain temporarily suspicious persons when they appear for entry inspections; and marriage brokers handling applications from mainland China and Hong Kong and spouses from mainland China and Hong Kong who go through marriage brokers would be subject to increased scrutiny. As of February 2006, the bill is still pending in the LY with no timeframe of when it might be approved.

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Investigation and Prosecution of Traffickers  
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23 A. (SBU) Does the country have a law specifically prohibiting trafficking in persons -- both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of

trafficking?

If not, under what other laws can traffickers be prosecuted?

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For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

Taiwan does not have a comprehensive TIP law, but trafficking in persons is specifically prohibited by the 1995 Statute for Prevention of Child and Juvenile Sexual Trafficking and Articles 296 and 296-1 of the Criminal Code. According to the MOJ, there were 10 indictments and 5 convictions under these statutes in 2005.

A more stringent law also was enacted in January 2004 aimed at cross-strait smugglers. This law stipulates that any person convicted of smuggling Mainland Chinese into Taiwan shall be punished with a prison term of 3-10 years and fined up to US \$150,000.

Boat owners and crewmembers associated with smuggling are subject to a prison term up to 3 years and/or a US \$30,000-\$200,000 fine and confiscation of boat.

As noted in 21 B, under the leadership of Bi-khim Hsiao, the LY in December 2005 held a hearing on human trafficking and reached a bipartisan consensus to add a special anti-trafficking provision to immigration laws now under deliberation in the LY. The relevant LY committee in February 2006 discussed the need for adopting formal standards for the protection of trafficking victims and pledged to work on formal legislation that would address victim protection.

23 B. (SBU) What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

Article 24 of the 1995 Statute for Prevention of Child and Juvenile Sexual Trafficking states: "Those who use coercion, threats, drugs, fraud, hypnotism or other means against the victim's will to make a person under the age of eighteen become involved in sexual transactions, shall be punished with imprisonment of at least five years, and coupled with a fine of not more than NT \$2 million (US \$57,100). Those who intend to make a profit by committing this crime shall be punished with imprisonment of not less than seven years, coupled with a fine of not more than NT \$7 million (US \$200,000). Those who habitually commit this crime shall be punished with life imprisonment or imprisonment of not less than 10 years, coupled with a fine of not more than NT \$10 million (US \$285,700)."

Article 25 of the 1995 Statute states: "Those who intend to make a profit and involve a person under the age of eighteen in sexual transactions by trafficking, pawning or other means



of the same nature shall be punished with imprisonment of not less than five years, coupled with a fine of NT \$7

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million (US \$200,000)."

Chapter 26 of the Criminal Code, "Offenses Against Personal Liberty" provides an all-encompassing statute against trafficking. Chapter 26, Article 296, "Forcing a Person into Slavery," states that "A person who enslaves another or places another in a position without freedom similar to slavery shall be punished with imprisonment of not less than one and not more than seven years."

In 1999, the Criminal Code was revised to include Article 296-1, "Trafficking in Persons," which states that:

a) They who traffic or pawn a person shall be punished with imprisonment of not less than five years, coupled with a fine of not more than NT \$500,000 (US \$14,285).

b) They who intend to force a person into sexual intercourse or obscene conduct by committing the crime specified in (a) shall be punished with imprisonment of not less than seven years, coupled with a fine of not more than NT \$500,000.

c) They who use coercion, threats, intimidation, control, drugs, hypnotism or other methods that are against the victim's will by committing the crime specified in (a) and (b) shall be punished with imprisonment increased by one-half of the original provision for imprisonment.

d) They who mediate, obtain, harbor, or hide a victim of the crimes specified in (a)-(c) or make the victim hide, shall be punished with imprisonment of not less than one year and not more than seven years, coupled with a fine of not more than NT \$300,000 (US \$8,570).

e) They who habitually commit the crime specified in (a)-(d) shall be punished with life imprisonment or imprisonment of not less than ten years, coupled with a fine of not more than NT \$700,000 (US \$20,000).

f) They who are public servants and commit the crime specified in (a)-(e) shall be punished with imprisonment and fine increased by one-half of the original provision for imprisonment.

The 1999 revision to the Criminal Code also included the addition of Article 231-1, which stipulates:

1) They who intend to profit by using coercion, threats, intimidation, control, drugs, hypnotism or other methods that are against the victim's will to make a person become involved in sexual intercourse or obscene conduct with other persons, shall be punished with imprisonment of not less than seven years, coupled with a fine of not more than NT \$300,000 (US \$8,500).

2) They who mediate, receive or shield the victims of the crime specified in (1) or make the victims hide shall be punished with imprisonment of not less than one year and not more than seven years.

3) They who habitually commit the crimes specified in (1) and (2) shall be punished with imprisonment of not less than ten years, coupled with a fine of not more than NT \$500,000 (US \$14,280).

4) Public servants who shield others who commit the crimes specified in (1)-(3) shall receive punishment increased by one-half of the original provision for imprisonment.

23 C. (SBU) What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Taiwan's Criminal Code prescribes the following penalties for

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those found guilty of the offenses of rape, forcible sex, and obscene conduct:

Article 221 (normal punishment): Any person who has forced, intimidated, or threatened any man or woman into having carnal relations, or has done so by inducing hypnosis or other means against his or her freewill, shall be punished with a prison term of not less than three years and not more than 10 years.

An attempt to commit the above offense is punishable.

Article 222 (heavier punishment): A person who has committed the above offense under one of the following circumstances shall be punished with life prison or a prison term of more than seven years:

Committing the offense together with one or more persons;  
Committing the offense against anyone under the age of 14;  
Committing the offense by administering drugs; Committing the offense and torturing the victim; Committing the offense while employed on a means of public transportation;  
Committing the offense after breaking into an inhabited building or vessel; Committing the offense with the help of weapon(s).

Article 224 (normal punishment): A person who has forced, intimidated, or threatened any man or woman into committing an indecent act, or has done so by inducing hypnosis or other means against his or her freewill, shall be punished with a prison term of not less than six months and not more than five years.

Article 224 (Section 1) (offenses subject to heavier punishment): Any person who has done so under one of the circumstances prescribed in Article 222 shall be punished with a prison term of not less than three years and no more than 10 years.

Article 225 (committing the offense by taking advantage of the victim's mental or physical disabilities or incapacity): Any person who has committed the offense of rape against any man or woman by taking advantage of his or her mental or physical disabilities or incapacity shall be punished with a prison term of more than three years and less than 10 years. Any person who has committed an indecent act against any man or woman by taking advantage of his or her mental disabilities or incapacity shall be punished with a prison term of more than six months but less than five years. Any attempt to commit the above offense is punishable.

Article 226 (heavier punishment): Any person who has committed rape or has committed an indecent act, which has resulted in the death of his or her victim, shall be punished with life in prison or a prison term of more than 10 years. A person who injures his or her victim while committing the offense shall be punished with a prison term of more than 10 years. The defendant shall be sentenced to a prison term of more than 10 years if a victim commits suicide or injures himself due to her sense of shame.

Article 226 (Section 1) (multiple offenses): Any person who has committed one of the offenses specified in Article 221-225 and has intentionally killed his or her victim shall be punished with death or life in prison. Any person who has committed rape or has committed an indecent-act, and has purposely injured his or her victim shall be punished with life in prison or a prison term of more than 10 years.

Article 227: Any person who has carnal relations with any

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male or  
female person under the age of 14 shall be punished with a  
prison  
term of not less than three years and not more than 10 years.

Any person who commits an indecent act against a male or  
female person under the age of 14 shall be punished with a  
prison term of not less than six months and not more than  
five years. Any person who has carnal relations with any  
male or female person aged 14-16 shall be punished with a  
prison term of less than seven years. Any person who commits  
an indecent act against a male or female person aged 14-16  
shall be punished with a prison term of not more than three  
years. Any attempt to commit any of the above offenses is  
punishable.

Article 227 (Section 1) (lighter punishment for the offender  
under the age of 18): An offender who is under the age of 18  
may have his punishment reduced or commuted.

Article 228: Any person who has committed rape against anyone  
under his jurisdiction at an institution or facility shall be  
punished with a prison term of not less than six months and  
not  
more than five years. Any person who has committed an  
indecent  
act against anyone under his jurisdiction shall be punished  
with a prison term of not more than three years.

Article 229 (committing the offense by cheating): Any person  
who  
by fraudulent means induces a person to mistake him or her  
for a  
spouse and then has carnal relations with him or her shall be  
punished with a prison term of not less than three years and  
not more than 10 years. An attempt to commit the above  
offense  
is punishable.

Article 229 (Section 1) (indictment upon request): Any person  
who  
has committed rape against his or her spouse, or any person  
who has  
committed the offense before reaching the age of 18, shall be  
indicted by the prosecutor upon receiving a request from the  
victim.  
The penalties for trafficking are at least as heavy if not  
heavier  
than the penalties for rape and forcible sexual assault.

23 D. (SBU) Is prostitution legalized or decriminalized?  
Specifically, are the activities of the prostitute  
criminalized?  
Are the activities of the brothel owner/operator, clients,  
pimps,  
and enforcers criminalized? Are these laws enforced? If  
prostitution is legal and regulated, what is the legal  
minimum  
age for this activity? Note that in many countries with  
federalist  
systems, prostitution laws may be covered by state, local,  
and  
provincial authorities.

According to Article 80 of the Social Order Maintenance Law  
(passed in 1991), anyone found to have traded sex for a  
reward financial or otherwise shall be punished with three  
days in custody, or a fine of no more than NT \$30,000 US \$910  
Brothel owners, pimps, enforcers are also subject to  
punishment prescribed in Article 231 and 232 of the Criminal  
Code.

The government published a set of (administrative) measures governing prostitutes in 1954, but those measures were

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revoked in 1997. According to a January 17, 2004 China Times report, the Interior Ministry began studying the possibility of decriminalizing prostitution by revising concerned laws. However, this proposal has not been formally discussed. There is no new information on this proposal. According to local NGOs, the MOI has not taken any actions on this proposal.

23 E. (SBU) Has the Government prosecuted any cases against traffickers? If so, provide numbers of arrests, indictments, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced? If no, why not? Please indicate whether the government can provide this information, and if not, why not?

In 2005, 94 persons were indicted and 8 were convicted under Article 296, 296-1, and 231-1 of the Criminal Code. As of November 2005, no one had been indicted or convicted under Article 25 of the 1995 Statute for Prevention of Child and Juvenile Sexual Trafficking, but 15 persons were indicted and 3 convicted under Article 24 of the 1995 Statute, and 130 persons were indicted and 96 convicted under Article 23 of the 1995 Statute.

In January 2005, a Taiwanese trafficker was executed after he was sentenced to death in 2004 on murder charges after pushing illegal Chinese immigrants into the sea that resulted in the death of six women while he tried to escape from Taiwan's Coast Guard in August 2003.

23 F. (SBU) Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

Trafficking of PRC nationals into Taiwan is largely controlled by smugglers (snakeheads) affiliated with organized crime syndicates of varying sizes and sophistication. There are also instances of freelance Taiwanese traffickers, with the connivance of marriage brokers, arranging fake marriages with PRC and Vietnamese women, who become victims of trafficking upon arrival in Taiwan. Contract labor brokers are also responsible for much of the Labor trafficking in Taiwan. There are no clear numbers to indicate what percentage of victims are trafficked into Taiwan by what means. There are no official reports of government involvement in trafficking, although NGOs have accused local police officials of cooperating with marriage and labor brokers to block trafficking investigations. There is also no indication of where profits from trafficking are being channeled.

23 G. (SBU) Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the

criminal procedure code or other laws prohibit the police from engaging in covert operations?

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According to the MOI, in order to prevent human trafficking or illegal immigration, the National Police Administration (NPA) takes the following approach to strengthen investigations:

- a) When an alien is discovered to be engaged in prostitution or illegal work, the NPA will conduct in-depth investigation to find the brokerage group or person behind the scheme.
- b) All police departments, in conjunction with other related agencies, will implement various offensive operations such as raids and patrols on entertainment establishments and hotels in known red light districts.
- c) The NPA will deploy intelligence networks and human resources as well as strengthen coordination with other law enforcement agencies. In order to acquire security intelligence, the NPA will conduct direct and indirect checks on persons who have a history or a tendency of brokering deals for or hiring illegal immigrants.
- d) The Criminal Investigation Bureau (CIB) will continue to investigate cases involving women who have been deceived into going to Japan and collect intelligence on similar cases through international cooperation. The CIB will publish the collected information in the media in a timely manner in order to remind Taiwan women not to be deceived again and prevent illegal groups from deceiving Taiwan women into going to Japan to engage in an illicit trade.
- e) The National Immigration Agency will continue to strengthen the interview mechanism used on spouses from mainland China. Since September 2003 the National Immigration Agency has had an interview mechanism to detect fraudulent cross-Strait marriages and in 2005 began conducting individual interviews to scrutinize marriages with Vietnamese women.
- f) The Aviation Police Bureau will continue to strengthen training of inspectors to heighten their ability to detect counterfeit documents. In order to prevent human trafficking rings from providing fraudulent documents to people seeking to enter Taiwan or other countries illegally, the Aviation Police Bureau will also implement a Snake Hunting Operation that targets transfer passengers on airlines along known smuggling-prone routes to the United States, Canada, New Zealand, and Australia.
- g) The foreign affairs police departments of county and city police agencies will increase control over aliens. The NPA will request foreign police officers to implement checks on alien spouses involved in sham marriages or forced into prostitution by their local husbands. The results of the checks will be reported to the Ministry of Foreign Affairs with recommendations for the rejection or acceptance of future visa or residency applications.

23 H. (SBU) Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

Yes, the government now provides specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking.

23 I. (SBU) Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking? The government has stated its commitment to pursue global cooperation with the police and immigration agencies of other

countries to combat transnational human trafficking.

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Taiwan signed with the U.S. an Agreement on Mutual Legal Assistance in Criminal Matters on March 26, 2002. Since the signing of the agreement, U.S. and Taiwan law enforcement agencies have increased their cooperation in each other's jurisdiction, including investigating trafficking cases. According to the MOJ, the establishment of regular formal cooperation has resulted in a more effective crackdown on trafficking and other cross-border crimes. Since the agreement was signed, Taiwan has requested cooperation on two cases. One of the cases resulted in the successful indictment of a cross-Strait syndicate for smuggling people into the United States.

In response to the August 26, 2003 incident in which six mainland Chinese women drowned off the coast of Miaoli county after traffickers threw 26 women off two speed boats being pursued by the coast guard, the National Police Administration organized a cross-Strait crime prevention seminar that focused on human trafficking at the Taiwan Central Police University in September 2003. During the year, Taiwan and PRC authorities agreed for the first time to initiate dialogue on combating trafficking.

The local media reported in January 2003 that police in Taiwan and China cooperated to rescue a woman who was kidnapped by gangsters in China and trafficked to Taipei to work without compensation as a prostitute. The woman contacted her father in China who reported the situation to the Chinese police who then contacted its Taipei counterparts.

In addition, from November 2003 to May 2004, Taiwan's Coast Guard set up a temporary/trial trafficking syndicate task force in cooperation with the PRC Coast Guard.

23 J. (SBU) Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Under the Kinmen Accord of 1990, Taiwan and Mainland China extradite convicted and suspected criminals, as well as illegal immigrants, to each other's jurisdiction. The lack of formal diplomatic relations with other countries from which persons are trafficked hinders Taiwan's ability to extradite persons who are charged with trafficking.

23 K. (SBU) Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of widespread government involvement in or tolerance of trafficking in persons. NGOs report that the level of government competency and awareness of TIP at the local level is uneven. NGOs also claim that some local officials are corrupt and work with brokers to turn a blind eye to trafficking. Incidents of Taiwan authorities supporting trafficking directly or indirectly are rare, but incidents do occur. On February 5, 2005 a police officer in Taichung City was sentenced to 11 years in prison for accepting bribes from a PRC prostitution ring to cover up its operations.

23 L. (SBU) If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted

for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence

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was imposed? Please provide specific numbers, if available.

With the exception of the corruption case detailed in 23 K, there has been no reported or known case of government officials directly involved in trafficking, and there has been no prosecution of government officials involved in trafficking. However, the law provides for harsher penalties for official involvement.

23 M. (SBU) If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Taiwan does not have an identified child sex tourism problem

23 N. (SBU) Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

--ILO Convention 29 and 105 on forced or compulsory labor.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

As a non-UN member, Taiwan is unable to become a party to the 1989 UN Convention on the Rights of the Child. However, the Ministry of Foreign Affairs announced in 1995 that it would respect the "spirit and principles" of the Convention. In 1999, a Child Welfare Bureau was established within the Ministry of Interior to bolster Taiwan's ability to implement the Convention on the Rights of the Child and to coordinate with NGOs. In April 2001, President Chen reiterated that Taiwan would abide by the Convention.

For the same reasons, Taiwan is also unable to become a party to the ILO Conventions 29, 105, 182 the UN Convention Against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, but the authorities make every effort to abide by the principles of those Conventions and Protocols.

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Protection and Assistance to Victims  
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24 A. (SBU) Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

Presently there are two detention centers in Hsinchu and Ilan counties in northern Taiwan accommodating illegal female immigrants from Mainland China, and a third center in Sanhsia in Taipei County housing victims from other countries, such as Vietnam and Cambodia. Victims are transferred to those centers after they are arrested by local police with the consent of district prosecutors for illegal entries. NGOs

report that some victims are not sent to the detention centers

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and remain in local jails while they provide testimony to prosecute traffickers. At the detention centers victims are given temporary shelter, medical, and counseling services before they are sent back to their home countries. As of February 2006, there were 1063 females detained in the Hsinchu

Center and 493 males and 913 females detained at the Ilan Center. The government has designated public hospitals in the neighborhood to send doctors to see patients at those centers a few times a week. Those doctors may suggest transferring certain patients to their hospitals for further treatment if necessary. Those victims are tested for HIV/AIDS and other venereal diseases upon their arrival at the centers. According to local press reports, about one third of them suffered from various kinds of venereal diseases.

While the government provides adequate short term shelter at the detention centers, the PRC's refusal to accept repatriation of its citizens has resulted in crowded conditions and stays of over one year for many of the women detained. In addition, a G/TIP visit in November 2004 to the Hsinchu Detention Center found some areas of concern regarding protection afforded trafficking victims. G/TIP encouraged authorities to take steps to identify trafficking victims among illegal immigrants and provide them separate levels of care and protection. In response to G/TIP concerns, Taiwan has taken steps to address concerns raised by G/TIP. For more information see question 21 B which details changes made by authorities in 2005.

24 B. (SBU) Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

The government provides financial support for NGOs involved in women's rights issues and works with NGOs to raise public awareness of the sexual trafficking problems. From 1999-2001, the government provided NT \$100 million (US \$3 million) to the umbrella organization Foundation of Women's Rights Promotion and Development (WRP), which in turn supports local NGOs. At the end of 2004, the LY approved a budget of NT \$3 billion (US \$100 million) to help the WRP finance programs to help mainland and foreign spouses adjust to living in Taiwan and prevent them from becoming trafficking

victims. The government also supports NGOs by allowing them direct access to detention centers and encouraging the NGOs to work with the women and provide care. Several civic organizations send representatives to visit victims at detention centers on a weekly basis to offer counseling and other services.

Among them are the Garden of Hope Foundation, End Child Prostitution, Pornography and Trafficking (ECPAT) Taiwan, Women's Rescue Foundation, as well as some Catholic and Buddhist groups dedicated to social services. To carry out their work, these organizations apply for funds from the Foundation for the Promotion of Women's Rights and Interests, a non-profit foundation operated and financed by the EY.

24 C. (SBU) Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGOs that provide short or long-term care?

Presently all victims are required to stay at the detention Centers or government run or NGO shelters, where they receive



medical and other services from the Taiwan authorities until they leave Taiwan. In 2005 the government instituted TIP

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screening procedures to identify victims and provide them protection (see 21 B). NGOs in Taiwan are not involved in the provision of medical services. NGOS are working with Taiwan authorities to increase the level of access permitted to work with victims and have been granted additional time with the women. In addition, the government in 2005 took steps to work more closely with NGOs to allow some victims to be moved to NGO run shelters for care and treatment.

24 D. (SBU) Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

The victims' basic human rights are protected, and the authorities give priority to victims who are under age, pregnant, or have given birth. However, victims are deprived of their personal freedom once they are sent to the detention centers to wait for deportation. Detainees are required to stay in the centers until they leave Taiwan. Before releasing detainees, the Taiwan authorities require their home countries to verify their identities. On average, a Mainland Chinese detainee may have to stay in one of those centers for six months to one year while waiting for the PRC authorities to verify their identities. In practice the victims are usually not prosecuted for prostitution or other minor offenses, as those victims may have to stay in the centers longer than the time they may have to serve for those offenses. For those victims who possess legal travel papers and return trip tickets, they may leave Taiwan almost immediately, if they are caught for illegal entries and not involved in other more serious crimes.

24 E. (SBU) Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

The district prosecutors may determine if it is necessary to ask victims to stay in Taiwan and help with their investigation and prosecution of trafficking. It is rare for victims to file civil suits or seek legal actions against the traffickers by themselves. Once they are arrested, most of the victims wish to leave Taiwan as soon as possible, and few of them wish to stay or take legal action against their traffickers or former employers. Those victims are not allowed to obtain other employment or leave the country while serving as witnesses in court cases. Taiwan and China have signed a repatriation agreement, but a victim restitution program is yet to be discussed. Taiwan's Law for the Protection of Crime Victims, which prescribes compensations for victims, does not apply to people from other countries, including China. For this reason, the TWRF is drafting and advocating for a law similar to the U.S. Victims of Trafficking and Violence Protection Act 2000, but the group could not say when this legislation will be completed.

24 F. (SBU) What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in

order to aid the victims in rebuilding their lives? Where are

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child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

The victims are placed in protective custody at detention Centers or in local jails while serving as witnesses in court cases. The government has a witness protection law that protects women from retaliation and helps encourage their cooperation in investigating trafficking rings. The government is also increasingly working with NGOs to allow victims to stay in shelters while victims cooperate with authorities to prosecute traffickers or await repatriation back to their homes.

24 G. (SBU) Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protection and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

The government does provide specialized training to public prosecutors, social workers, and law enforcement officials who deal with trafficking issues. There is also an officer assigned to Taiwan's representative office in Japan to work with Japanese authorities to return trafficking victims back to Taiwan. Taiwan authorities work closely with NGOs. In addition to providing counseling services, the Garden of Hope and other organizations are in constant contact with law enforcement units to organize a system to recognize trafficking and provide assistance to trafficked victims based on the model adopted by Interpol and other international welfare organizations. Children born to victims during they stay in Taiwan received adequate care while they are in Taiwan but are required to leave Taiwan with their parents. There is no a system in Taiwan through which these children may remain in Taiwan or be adopted by local people.

24 H. (SBU) Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

In 2005, the government allocated a budget of NT \$99 million (US \$3.1 million) for the three detention centers in Hsinchu, Ilan, and Taipei Counties. The cost of caring for each victim, including boarding and medical care, was about NT \$44,000 (US \$1364) a year.

24 I. (SBU) Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

The Garden of Hope Foundation, End Child Prostitution, Pornography and Trafficking (ECPAT) Taiwan, the Taipei Women,s Rescue Foundation (TWRF) and several religious organizations in Taiwan sent their workers to visit victims at those centers on a weekly basis to provide counseling and help them plan for their future after returning to their home countries. These organizations apply to the Executive Yuan's Foundation for the Promotion of Women's Rights and Interests to fund their work. For Southeast Asian victims, the Vietnamese Migrant Workers and Brides Office (VMWBO) is actively working with victims and runs three shelters.

